

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rutheron & Plaza Blanca

Subfile Nos. CHRU-003-0007
CHRU-004-0004

MOTION FOR DEFAULT JUDGMENT

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order granting default judgment against the following defendant:

Estate of Jose Vidal Ulibarri

CHRU-003-0007
CHRU-004-0004

and as grounds therefore plaintiff states:

1. The Court has jurisdiction over the above-named defendant as shown by Proof of Publication of Notice of Pendency of Suit filed March 9, 2005 (Doc. 7782).

2. The defendant named above is in default for failure to appear, answer, or otherwise defend in this cause, as shown by the Clerk's Certificate of Default filed September 29, 2005 (Doc. No. 8022).

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order granting default judgment against the above-named defendant incorporating the terms of the State's proposed consent orders and in conformance with the April 30, 2002 Rio Chama Hydrographic Survey for

Section 7, Rutheron & Plaza Blanca.

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I hereby certify that copies of the above Motion for Default Judgment were mailed to following persons on October 27, 2005.

/s/ Ed Newville

Edward G. Newville

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager.
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

Heirs of Jose Vidal Ulibarri
c/o Jose Rafael Gallegos
PO Box 581
Chama, NM 87520